

UNITED STATES DISTRICT COURT

## DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 ) CRIMINAL NO. 04-10165-RCL  
 v. )  
 )  
 TONY GOMES TEIXEIRA )

JOINT MOTION FOR PREPARATION OF  
A PRE-PLEA PRESENTENCE REPORT

The parties hereby jointly request that the Court order the preparation of a pre-plea Presentence Report. As grounds therefor, defendant's recent motion to continue the trial of this case was based in part on an agreed-upon recognition that the defendant's sentencing exposure in this case could vary dramatically depending on whether certain prior Massachusetts convictions for breaking and entering qualify as predicates under the Armed Career Criminal Act, 18 U.S.C. §924(e). See United States v. Shepard, 125 S.Ct. 1254 (2005). The parties believe that it is in the interests of justice that Probation determine, in the first interests, defendant's possible eligibility for sentencing as an armed career criminal. Such a determination will permit the defendant to make a more informed decision about whether to offer a change of plea or go to trial.

TONY GOMES TEIXEIRA

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